

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

DAVID W. VERSER,

Plaintiff,

v.

Civil Action No. **3:11CV669**

JAMES STEWART, III, et al.,

Defendants.

MEMORANDUM OPINION

By Memorandum Order entered on November 2, 2011, the Court conditionally docketed the action. At that time, the Court directed David W. Verser to submit a statement under oath or penalty of perjury that:

- (A) Identifies the nature of the action;
- (B) States his belief that he is entitled to relief;
- (C) Avers that he is unable to prepay fees or give security therefor; and,
- (D) Includes a statement of the assets he possesses.

See 28 U.S.C. § 1915(a)(1). The Court provided Verser with an in forma pauperis affidavit form for this purpose. The Court warned Verser that a failure to return the in forma pauperis affidavit within thirty (30) days of the date of entry thereof would result in summary dismissal of the action.

Verser has not complied with the order of this Court. Verser failed to return the in forma pauperis affidavit. As a result, he does not qualify for in forma pauperis status. Furthermore, he has not paid the statutory filing fee for the

instant complaint. See 28 U.S.C. § 1914(a). Such actions demonstrate a wilful failure to prosecute. See Fed. R. Civ. P. 41(b). Accordingly, this action will be DISMISSED WITHOUT PREJUDICE.

The Clerk is DIRECTED to send a copy of the Memorandum Opinion to Verser.

/s/ REP
Robert E. Payne
Senior United States District Judge

Date: January 3, 2012
Richmond, Virginia